

Wildlife Restoration/Hunter Education Advisory Team



Advisory 2020-011: Shooting Range Construction/Expansion Coordination

June 16, 2020

Can a State fund a coordinator position for public target ranges (search for land, determine where to expand, where to build, what existing facilities can access be created, etc.) using Wildlife Restoration funds?

Terms: For the purposes of this Advisory, we reference *Interim Guidance for Applying Public Law 116-17, the Target Practice and Marksmanship Training Support Act, to the Pittman-Robertson Wildlife Restoration Act* and these terms:

(1) *90/10/5* is a shortcut reference for activities for acquiring land for, expanding, or constructing public target ranges that will benefit from a 90% Federal/10% non-Federal cost share and 5-year period of availability.

(2) *Constructing* (for the purposes of projects for acquiring land for, expanding, or constructing public target ranges) means building a public target range.

(3) *Expanding* means (for the purposes of projects for acquiring land for, expanding, or constructing public target ranges) physical improvements to an existing public target range that add to the utility of the range in a manner that ultimately increases range capacity to accommodate more participants. Physical improvements do not necessarily have to increase the size of the facility, but must result in an increase in usability that will accommodate more participants.

Discussion: Personnel costs may be considered eligible using funds at 16 U.S.C. 669c(c) (Basic Hunter Education/90/10/5), for activities established by the Target Practice and Marksmanship Training Support Act (Pub. L. 116-17). The personnel costs must be directly related to coordinating land acquisition, or expansion or construction of a public target range including costs for searching for and acquiring land, determining where to expand or, where to build for increased range capacity. All costs must be necessary, reasonable, and properly allocated.

Public Law 116-17 amended 16 U.S.C. 669g(b) to separate operation and maintenance of public target ranges as 75% Federal/25% non-Federal funding and acquiring land for, expanding, or constructing public target ranges as 90/10/5 funding. Therefore, activities related to operations (which includes administrative/management personnel) or maintenance must be funded at the 75% Federal/25% non-Federal funding level.

This interpretation may support a full-time position that administers a State's overall public target range strategy or program using 90/10/5 funding if the position spends all their time identifying and acquiring land or planning capital improvements for expanding or constructing public target ranges. A full-time staff person would have to allocate time spent between programs/activities that fund shooting sports and related facilities if more than one funding source will be used.

The WSFR Interim Guidance for implementing Pub. L. 116-17 describes that 90/10/5 activities for expanding public target ranges must be related to physical features (not staff). States looking to add staff, expand hours, etc. to increase access to public target ranges, cannot be funded using 90/10/5 funding as those are "operations" activities. However, this could be considered eligible using funds at 16

U.S.C. 669c(c) (Basic Hunter Education (75/25 cost share) or 16 U.S.C. 669h-1 (Enhanced Hunter Education (75/25 cost share)).

When considering a range coordination position using funds for activities under the Modernizing PR Act, we must consider that the Modernizing PR Act did not establish new funding sources for R3 activities, but rather makes R3 activities eligible for funding under existing funding sources. For a coordination position for acquiring land for, expanding, or constructing public target ranges to be eligible under the Modernizing PR Act, a State must include them in a grant as necessary and reasonable components of their R3 program objectives.

Advisory: Eligible activities authorized for funding through the Target Practice and Marksmanship Training Support Act are specific to acquiring land for, expanding, or constructing public target ranges. Costs associated with a position or personnel time to coordinate activities related to acquiring land for, expanding, or constructing public target ranges is considered an eligible 90/10/5 activity using funds at:

16 U.S.C. 669c(b) (Wildlife Restoration for Public Target Ranges – Subaccount # 5252)

16 U.S.C. 669c(c) (Basic Hunter Education for Public Target Ranges – Subaccount # 5251)

16 U.S.C. 669h-1 (Enhanced Hunter Education for Public Target Ranges – Subaccount # 5241)

Eligible personnel costs may include but are not limited to the following activities: searching for and acquiring land for new range construction or expansion, or administering tasks associated with expanding or constructing public target ranges for increased physical capacity to support greater participation.

Eligible activities authorized by the Modernizing PR Act are specific to recruiting and retaining hunters and recreational shooters (R3). A State could fund a coordination position, with authorized funding sources in support of R3 activities, for acquiring land for, expanding, or construction of public target ranges including all related activities such as searching for and acquiring land, determining where to expand existing ranges or, where to build a new range if the State demonstrates that coordination of such activities is a component of the State's overall R3 strategy. These activities, when directly related to and necessary and reasonable to accomplish the objectives of a grant are eligible using funds at 16 U.S.C. 669c(b) (Traditional Wildlife Restoration), 16 U.S.C. 669c(c) (Basic Hunter Education) (R3), or 16 U.S.C. 669h-1 (Enhanced Hunter Education/R3), respectively.

Eligible activities authorized by the Wildlife Restoration Act are also related to habitat conservation and management. A State could fund a coordination position, with authorized funding sources in support of habitat acquisition, management, and facilities operations. This includes planning for acquiring land, determining spatial and geographical locations for new acquisitions, or habitat treatments if the State demonstrates that coordination of such activities is a component of the State's land acquisition or management and operations grant. These activities, when directly related to and necessary and reasonable to accomplish the objectives of a grant are eligible using funds at 16 U.S.C. 669c(b) (Traditional Wildlife Restoration).